

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 23-CV-22629-RAR

MANUEL JESUS ALONSO,

Plaintiff,

vs.

SUNBELT RENTALS, INC.,

Defendant.

**JOINT MOTION FOR LEAVE TO CONDUCT
MEDIATION REMOTELY VIA VIDEO CONFERENCE**

Plaintiff Manuel Jesus Alonso (“Plaintiff”) and Defendant Sunbelt Rentals, Inc. (“Defendant”) (collectively, the “Parties”) jointly move for leave to conduct mediation in this matter remotely via video conference, and state:

1. On August 8, 2023, the Court entered an Order Setting Jury trial, Requiring Mediation, and Referring Certain Matters to Magistrate Jude. ECF No. 11. Pursuant to the Order, the Parties are required to attend the mediation conference in person. *Id.* at 1.

2. That said, the Order also allows the parties to move to appear remotely for mediation. ECF No. 11 at 1.

3. The Parties agreed to conduct mediation with mediator Carlos J. Burruezo (“Mr. Burruezo”), and the Court has entered an Order scheduling the mediation for February 1, 2024. ECF No. 15.¹

4. The Parties selected Mr. Burruezo because they agree he is an excellent mediator

¹ The Parties originally intended to mediate this matter for December 18, 2023 and the Court entered an Order scheduling the mediation for that date. ECF Nos. 12; 13. Thereafter, the Parties moved to reschedule the mediation for February 1, 2024. ECF No. 14.

and that using him will substantially increase the likelihood of an amicable resolution. Mr. Burruezo's office is located at 5550 W. Executive Dr., Suite 250, Tampa, Florida 33609.

5. When the Parties notified the Court that they had selected Mr. Burruezo as a mediator, they indicated in a footnote that they intended to move for leave to conduct the mediation remotely. ECF Nos. 12 at 1 n.1; 14 at 1 n.2.

6. The Parties now jointly move for leave to conduct mediation remotely via video conference to conserve resources and facilitate the means of resolving this case.

7. Conducting mediation remotely would conserve the Parties' resources by eliminating travel costs. Mr. Burruezo has scheduling conflicts that would prevent him from traveling to conduct the mediation in South Florida. Thus, an in-person mediation can only be conducted at Mr. Burruezo's office. That is material because Plaintiff, Plaintiff's counsel, and Defendant's counsel are all located in South Florida, while Defendant's corporate representative resides in South Carolina. Therefore, conducting the mediation in Tampa, Florida would involve costs associated with travel and, likely, lodging.

8. The Parties believe these travel costs are unnecessary and that their physical presence would not increase the chances of resolution through mediation. To the contrary, the Parties believe that traveling to a mediation may actually decrease the chance of resolution by diverting resources that could otherwise support a resolution of this matter.

9. The Parties would prefer to conserve their resources and focus them on the potential resolution of the claims in this matter.

10. The Parties recognize that conducting mediation remotely through video conference is a viable method to resolution. Both Plaintiff's counsel and Defendant's counsel routinely resolve cases through remote mediations using video conference software.

Thus, for the reasons outlined above, the Parties respectfully request that the Court enter an order granting leave for the February 1, 2024 mediation to take place via remote video conference, and such other and further relief that is just and proper.

CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1(A)(3)

On January 11, 2024, counsel for Defendant and counsel for Plaintiff conferred about the relief requested herein and agreed to seek the requested relief jointly.

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Date: January 19, 2024.

Respectfully Submitted,

/s/ Brian H. Pollock

Brian H. Pollock, Esq.

Florida Bar No. 174742

Email: Brian@fairlawattorney.com

FAIRLAW FIRM

135 San Lorenzo Avenue

Suite 770

Coral Gables, Florida 33146

Telephone: (305) 230-4884

Attorneys for Plaintiff

/s/ Rocio Blanco Garcia

Rocio Blanco Garcia, Esq.

Florida Bar No. 099304

E-Mail: RBlancogarcia@littler.com

Ryan P. Forrest, Esq.

Florida Bar No. 111487

E-mail: RForrest@littler.com

LITTLER MENDELSON P.C.

Wells Fargo Center

333 SE 2nd Avenue, Suite 2700

Miami, FL 33131

Tel: (305) 400-7500

Attorneys for Defendant